

Notice of Allowability

Application No.

09/963,425

Examiner

Judy M. Reddick

Applicant(s)

SAITO ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/18/04.
2. ☒ The allowed claim(s) is/are 8 and 24-28.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Judy M. Reddick
Judy M. Reddick
Primary Examiner
Art Unit: 1713

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

IN THE TITLE

2. On page 1, in the title, "RADIATION-RESISTANT ADHESIVE COMPOSITION AND ADHESIVE PRODUCT USING THE SAME" has been deleted and "A METHOD OF STERILIZING A RADIATION-RESISTANT MEDICAL ADHESIVE PRODUCT" has been inserted in its stead, consistent with the claimed invention(elected embodiment).

IN THE CLAIMS

3. This application is in condition for allowance except for the presence of claims 1-7 & 9-23 to an invention non-elected without traverse. Accordingly, claims 3-7 and 9-23 have been cancelled.

REASONS FOR ALLOWANCE

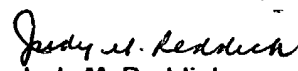
4. The following is an examiner's statement of reasons for allowance: The instantly claimed invention is deemed allowable over the prior art of record, Bernard et al(U.S. 5,130,375) in combination with Saito et al(U.S. 5,429,590), meritorious of the closest prior art, as per reasons clearly stated in Counsel's response(03/18/04). Moreover, one having ordinary skill in the art would not have been endowed with any motivation to post-add a crosslinking agent, as described per page 4, lines 12-20 of the specification, to the adhesive product containing an acrylic polymer + a vinyl functional tackifier per Bernard et al with any reasonable expectation of


success. Furthermore, one having ordinary skill in the art would not have been endowed with any motivation to add a tackifier component such as rosin, a rosin derivative, a terpene resin, an aliphatic hydrocarbon resin and an aromatic petroleum resin(meeting the claimed agent) to the acrylic copolymer-containing medical adhesive product of Saito et al who teach adding these types of compounds only to a rubbery pressure sensitive adhesive such as natural rubber, polyisoprene rubber, a styrene-butadiene rubber, a polyisobutylene rubber an S-B-S copolymer nor would there be any motivation to post-add a crosslinking agent to the medical adhesive product containing an acrylic copolymer of Saito et al with any reasonable expectation of success. Moreover, too much picking and choosing would be involved and highly unwarranted.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judy M. Reddick whose telephone number is (571)272-1110. The examiner can normally be reached on Monday-Friday, 6:30 a.m.-3:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571)272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Judy M. Reddick
Primary Examiner
Art Unit 1713

JMR 
06/01/04